

HON'BLE SRI JUSTICE NOOTY RAMAMOHAN RAO

W.P. Nos. 16292 of 1998

DATED: 20-07-2007

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Between:-

Parikala Subba Rao

...Petitioner

And

The Depot Manager, APSRTC,
Nuzvid Depot, Nuzvid,
Krishna District and two
others

...Respondents

ORAL ORDER :

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Heard the learned counsel for the petitioner
and Sri Manmadha Reddy, learned counsel for the
respondents.

This writ petition has been instituted
seeking the following relief :

“For the reasons
mentioned in the
accompanying affidavit, the
petitioner herein prays that this
Hon'ble Court be pleased to
issue any writ, order or
direction more particularly one
in the nature of Writ of
Mandamus declaring that the
first respondent has passed
the impugned order dated
12.5.1998 in No.P3/118(1)/95-
NZD, without jurisdiction and
thereby the impugned order is
illegal, and without jurisdiction
and consequently to quash the
same; or to pass any other
order or orders as this Hon'ble
Court deem fit in the
circumstances of the case.”

But, however, there are certain welcome developments that have taken place during the pendency of this writ petition. The writ petitioner preferred a Criminal Appeal No. 1063 of 1997 to this Court against the conviction and sentence imposed by the Sessions Court. The said criminal appeal was allowed on merits. Therefore, the writ petitioner has approached the Regional Manager, APSRTC, Vijayawada, who considered the entire matter and passed orders setting aside the orders of removal from service passed by the Depot Manager, Nuzvid, which is the impugned order in this writ petition. There are certain conditions subject to which the writ petitioners future service conditions are sought to be regulated by the Regional Manager in his order passed on 26.8.2005. The learned counsel Sri Satyanarayana would urge that some of these conditions in particular are very onerous and they are totally uncalled for and unwarranted. But, however, the other side is handicapped in not being in a position to defend the orders passed by the Regional Manager on 26.8.2005. Instead of permitting the Regional Manager to be impleaded as 4th respondent to this old writ petition and then permit the relief portion to be amended appropriately and later on provide an opportunity to the other side to contest the writ petition in its modified form, I consider it appropriate to grant liberty to the writ petitioner to constitute a proper petition calling in question the orders passed by the Regional Manager on 26.8.2005 if

the writ petitioner feels aggrieved, inasmuch as it is altogether a different and new cause of action. With this the present writ petition stands disposed of. No costs.

knk

20.07.2007